

FACTSHEET

Initiative and Referendum

Definitions

INITIATIVE

The process through which the electorate, by petition, may propose laws and ordinances or constitutional and charter amendments and enact the same by direct vote of the majority of the people. There are two types of initiative:

In a **direct initiative**, after the required number of signatures is acquired, the proposal is placed on the ballot for vote in the next election.

In an **indirect initiative**, the completed petition is submitted to the legislature for enactment of legislation within a specified period of time. If no such action is taken, the measure is automatically placed on the ballot for vote in the next election.

REFERENDUM

The process through which the electorate may approve or reject at the polls a law or constitutional amendment (or charter amendment) passed by the legislature (or the county council). There are three types of referendum:

In a **petition referendum** (sometimes called a direct referendum), laws passed by the legislature will not go into effect for a specified period of time. A petition circulated for signatures during this time will determine if a referendum will be held concerning the specific law(s). If the required number of signatures is obtained, then the law will not be effected until the referendum takes place.

The **optional referendum** (sometimes called an indirect referendum) allows the electorate to approve or reject legislation voluntarily submitted to them by the legislature or the governor.

The third type of referendum is conducted by **constitutional requirement**. A state constitution may require that certain questions be submitted to the people for consideration.

PLEASE NOTE: This fact sheet is a reference source. It is not to be used as the authority on the Hawaii election laws. Readers should consult the Hawaii Revised Statutes, the United States Constitution, the Hawaii State Constitution, the City/County Charters and Ordinances, and other sources for a complete and legal basis of the law.

Agency	INITIATIVE		REFERENDUM	
	Create Law/Ordinance	Amend Charter/Constitution	Required by Constitution	Repeal or Reject Law/Ordinance
State of Hawaii	No provision.	No provision.	Yes, Hawaii's State Constitution requires that all constitutional amendments be approved by voters at a general election. Amendments may be proposed by the State Legislature or a State Constitutional Convention. <i>(Hawaii State Constitution, Article 17, Section 3)</i>	No provision.
City & County of Honolulu	<p>Yes. This may be initiated by Council or by petition signed by registered voters equal in number to at least 10% of the total voters registered in the last regular mayoral election. <i>(Honolulu City Charter, Article III, Section 3-402)</i></p> <p>Does not extend to ordinances authorizing or repealing the levy of taxes, the appropriation of money, the issuance of bonds, the salaries of county employees or officers, or any matter governed by collective bargaining contracts. <i>(Honolulu City Charter, Article III, Section 3-401)</i></p>	<p>Yes. This may be initiated by Council or by petition signed by registered voters equal to at least 10% of the total voters registered in the last regular mayoral election. <i>(Honolulu City Charter, Article XV, Section 15-101)</i></p>	No provision.	No provision.

Agency	INITIATIVE		REFERENDUM	
	Create Law/Ordinance	Amend Charter/Constitution	Required by Constitution	Repeal or Reject Law/Ordinance
County of Hawaii	Yes. This may be initiated by Council or by petition signed by qualified voters of the county equal to at least 15% of the total number of persons who voted in the county for the office of mayor in the last preceding general election. <i>(Hawaii County Charter, Article 11, Section 11-2(C))</i>	Yes. This may be initiated by Council or by petition signed by qualified voters of the county equal in number to at least 20% of the registered voters for the last preceding general election. <i>(Hawaii County Charter, Article 15, Section 15-1(B))</i>	No provision.	Yes. This may be initiated by Council or by petition signed by qualified voters of the county equal to at least 15% of the total number of persons who voted in the county for the office of mayor in the last preceding general election. <i>(Hawaii County Charter, Article 11, Section 11-2(C))</i>
County of Maui	Yes. This may be initiated by petition signed by not less than 20% of the voters registered in the last general election. <i>(Maui County Charter, Article 11, Section 11-3)</i> Does not extend to any part or all of the capital program or annual budget; to any property tax levied; to any emergency ordinance, or to any ordinances that: makes or repeals any appropriation of money; authorizes the issuance of bonds; or authorizes the appointment of employees. <i>(Maui County Charter, Article 11, Section 11-1)</i>	Yes. This may be initiated by Council, by petition signed by not less than 10% of the voters registered in last general election with council approval, or by petition signed by not less than 20% of voters registered in last general election. <i>(Maui County Charter, Article 14, Section 14-1)</i>	No provision.	Yes. This may be initiated by petition signed by not less than 20% of the voters registered in the last general election. <i>(Maui County Charter, Article 11, Section 11-3)</i> Does not extend to any part or all of the capital program or annual budget; to any property tax levied; to any emergency ordinance, or to any ordinances that: makes or repeals any appropriation of money; authorizes the issuance of bonds; or authorizes the appointment of employees. <i>(Maui County Charter, Article 11, Section 11-1)</i>

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	Create Law/Ordinance	Amend Charter/Constitution	Required by Constitution	Repeal or Reject Law/Ordinance
County of Kauai	<p>Yes. This may be initiated by legislation or by petition signed by not less than 20% of the number of eligible voters in the last preceding general election. <i>(Kauai County Charter, Article 22, Section 22.03)</i></p> <p>Does not extend to any part or all of the operating budget or capital budget; any financial matter relating to public workers; any emergency legislation; any ordinance that: authorizes or repeals the levy of taxes; makes or repeals any appropriation of money or fixing the salaries of county employees or officers; authorizes the appointment of employees; or authorizes the issuance of bonds; or any matter covered under collective bargaining contracts. <i>(Kauai County Charter, Article 22, Section 22.02)</i></p>	<p>Yes. This may be initiated by legislation or by petition signed by not less than 5% of the voters registered in the last general election. <i>(Kauai County Charter, Article 24, Section 24.01(B))</i></p>	No provision.	<p>Yes. This may be initiated by petition signed by not less than 20% of the number of eligible voters in the last preceding general election. <i>(Kauai County Charter, Article 22, Section 22.03(C))</i></p> <p>Does not extend to any part or all of the operating budget or capital budget; any financial matter relating to public workers; any emergency legislation; any ordinance that: authorizes or repeals the levy of taxes; makes or repeals any appropriation of money or fixing the salaries of county employees or officers; authorizes the appointment of employees; or authorizes the issuance of bonds; or any matter covered under collective bargaining contracts. <i>(Kauai County Charter, Article 22, Section 22.02)</i></p>

This Fact Sheet is intended for informational purposes only and should not be used as an authority on the Hawaii election law and candidate deadlines. Requirements and/or deadlines may change pending changes in legislation. Consult the Hawaii Revised Statutes and County Charters for more detailed and accurate requirements.

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